

Title 12: CONSERVATION
Chapter 621: FINFISH LICENSES

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Maine Revised Statutes
Title 12: CONSERVATION
Chapter 621: FINFISH LICENSES

Subchapter 1: LICENSES

§6501. COMMERCIAL FISHING LICENSE

1. License required. A person may not engage in the activities authorized under this section without a current:

- A. Commercial fishing license for a resident operator; [2003, c. 452, Pt. F, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- B. Commercial fishing license for a resident operator and all crew members; [2003, c. 452, Pt. F, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- C. Commercial fishing license for a nonresident operator and all crew members; or [2003, c. 452, Pt. F, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- D. Other license under this Part authorizing the activities. [2003, c. 452, Pt. F, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[2003, c. 452, Pt. F, §10 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Licensed activity. The holder of a commercial fishing license may fish for or take fish or possess, ship, transport or sell fish that the holder has taken. The license authorizes crew members aboard the licensee's boat when it is engaged in commercial fishing to undertake these activities, if the license provides for crew members.

[2001, c. 421, Pt. B, §25 (AMD); 2001, c. 421, Pt. C, §1 (AFF) .]

3. Exemptions. The licensing requirement under subsection 1 does not apply to activities described in this subsection.

- A. A person may fish for, take, possess or transport any species of fish if they have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use. [2001, c. 421, Pt. B, §25 (AMD); 2001, c. 421, Pt. C, §1 (AFF).]
- B. A person may fish for, take, possess or transport halibut if they have been taken by tub trawl or by hook and line and are only for personal use. [2011, c. 266, Pt. A, §14 (AMD).]
- C. [2011, c. 266, Pt. A, §15 (RP).]

[2011, c. 266, Pt. A, §§14, 15 (AMD) .]

4. Eligibility. A commercial fishing license may be issued only to an individual.

[2001, c. 421, Pt. B, §25 (AMD); 2001, c. 421, Pt. C, §1 (AFF) .]

5. Fees. Fees for commercial fishing licenses are:

- A. Forty-eight dollars for resident operator; [2009, c. 213, Pt. G, §5 (AMD).]
- B. One hundred twenty-eight dollars for resident operator and all crew members; and [2009, c. 213, Pt. G, §5 (AMD).]

C. Four hundred eighty-one dollars for nonresident operator and all crew members. [2009, c. 213, Pt. G, §5 (AMD).]

[2009, c. 213, Pt. G, §5 (AMD) .]

6. Definition. For the purposes of this chapter, "fish" means all marine finfish except Atlantic herring, Atlantic menhaden, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad. For the purposes of this chapter, "fish" also means all other marine organisms, except lobsters, crabs, sea urchins, shellfish, scallops, marine worms, elvers, sea cucumbers, eels, shrimp or seaweed.

[2011, c. 598, §21 (AMD) .]

7. License freeze.

[1979, c. 25, (NEW); T. 12, §6501, sub-§7 (RP) .]

8. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

[2001, c. 421, Pt. B, §25 (NEW); 2001, c. 421, Pt. C, §1 (AFF) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1979, c. 25, (AMD). 1981, c. 480, §§3,15,16 (AMD). 1983, c. 301, §7 (AMD). 1983, c. 824, §K3 (AMD). 1985, c. 243, (AMD). 1985, c. 379, §2 (AMD). 1985, c. 659, (AMD). 1991, c. 528, §T2 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §T2 (AMD). 1995, c. 536, §A6 (AMD). 1997, c. 19, §5 (AMD). 1999, c. 491, §4 (AMD). 2001, c. 272, §7 (AMD). 2001, c. 421, §B25 (AMD). 2001, c. 421, §C1 (AFF). 2003, c. 20, §WW6 (AMD). 2003, c. 452, §F10 (AMD). 2003, c. 452, §X2 (AFF). 2009, c. 213, Pt. G, §5 (AMD). 2011, c. 266, Pt. A, §§14-16 (AMD). 2011, c. 598, §21 (AMD). MRSA T.12, §6501, sub-§7 (AMD).

§6502. NONRESIDENT SPECIAL TUNA PERMIT

A nonresident individual may fish for, take, possess, ship, transport or sell tuna that the individual has taken, without a commercial fishing license, if the individual has a current special tuna permit. [2001, c. 421, Pt. B, §26 (AMD); 2001, c. 421, Pt. C, §1 (AFF).]

1. Eligibility. A special tuna permit may be issued to a nonresident individual who is a registered participant in a tuna tournament that is sponsored and operated by a nonprofit association or corporation that has existed for at least one year prior to the tournament. An individual may not be issued more than one permit in any one calendar year.

[2001, c. 421, Pt. B, §26 (AMD); 2001, c. 421, Pt. C, §1 (AFF) .]

2. Authorized activity. A special tuna permittee may fish for, take for sale and sell only one tuna in any one calendar year. The permit is valid for the length of the tournament plus one day or for 7 days from the date of issue, whichever is shorter.

[2001, c. 421, Pt. B, §26 (AMD); 2001, c. 421, Pt. C, §1 (AFF) .]

3. Fee. The permit fee is \$84, which may be credited against the license fee for a commercial fishing license, if it is issued to the permittee within 30 days of the issuing of the permit.

[1991, c. 528, Pt. RRR, (AFF); 1991, c. 528, Pt. T, §3 (AMD); 1991, c. 591, Pt. T, §3 (AMD) .]

4. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

[2001, c. 421, Pt. B, §26 (NEW); 2001, c. 421, Pt. C, §1 (AFF) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1991, c. 528, §T3 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §T3 (AMD). 2001, c. 421, §B26 (AMD). 2001, c. 421, §C1 (AFF).

§6502-A. COMMERCIAL PELAGIC AND ANADROMOUS FISHING LICENSE

1. Definition. As used in this section, "pelagic or anadromous fish" means Atlantic herring, Atlantic menhaden, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad.

[2011, c. 598, §22 (AMD) .]

2. License required. A person may not engage in the activities authorized under this section without a current:

A. Commercial pelagic and anadromous fishing license for a resident operator; [2009, c. 527, §2 (NEW) .]

B. Commercial pelagic and anadromous fishing license for a resident operator and all crew members; or [2009, c. 527, §2 (NEW) .]

C. Commercial pelagic and anadromous fishing license for a nonresident operator and all crew members. [2009, c. 527, §2 (NEW) .]

[2009, c. 527, §2 (NEW) .]

3. Licensed activity. The holder of a commercial pelagic and anadromous fishing license may fish for or take or possess, ship, transport or sell pelagic or anadromous fish that the holder has taken. The commissioner shall determine by rule what crew members may fish under a commercial pelagic and anadromous fishing license that provides for crew members. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2009, c. 527, §2 (NEW) .]

4. Exemption. The licensing requirement under subsection 2 does not apply to a person who fishes for, takes, possesses or transports any pelagic or anadromous fish that have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.

[2011, c. 598, §23 (AMD) .]

5. Eligibility. A commercial pelagic and anadromous fishing license may be issued only to an individual.

[2009, c. 527, §2 (NEW) .]

6. Fees. Fees for commercial pelagic and anadromous fishing licenses are:

A. Forty-eight dollars for a resident operator; [2009 , c. 527 , §2 (NEW) .]

B. One hundred twenty-eight dollars for a resident operator and all crew members; and [2009 , c. 527 , §2 (NEW) .]

C. Five hundred dollars for a nonresident operator and all crew members. [2009 , c. 527 , §2 (NEW) .]

[2009 , c. 527 , §2 (NEW) .]

7. Surcharges. The following surcharges are assessed on holders of commercial pelagic and anadromous fishing licenses issued by the department:

A. For a commercial pelagic and anadromous fishing license for a resident operator, \$50; [2009 , c. 527 , §2 (NEW) .]

B. For a commercial pelagic and anadromous fishing license for a resident operator with crew, \$200; and [2009 , c. 527 , §2 (NEW) .]

C. For a commercial pelagic and anadromous fishing license for a nonresident operator with crew, \$400. [2009 , c. 527 , §2 (NEW) .]

The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.

[2009 , c. 527 , §2 (NEW) .]

8. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

[2009 , c. 527 , §2 (NEW) .]

SECTION HISTORY

2009 , c. 527 , §2 (NEW). 2011 , c. 598 , §§22, 23 (AMD).

§6503. ATLANTIC SALMON

(REPEALED)

SECTION HISTORY

1981 , c. 459 , §1 (NEW). MRSA T. 12 , §6503 , sub-§3 (RP).

§6504. ATLANTIC SALMON

(REPEALED)

SECTION HISTORY

1981 , c. 662 , §1 (NEW). 1983 , c. 680 , §4 (RP). 1985 , c. 506 , §B10 (RP).

§6505. EEL FISHING LICENSE

(REPEALED)

SECTION HISTORY

1995 , c. 492 , §4 (NEW). 1995 , c. 536 , §A7 (RP).

§6505-A. ELVER FISHING LICENSE

1. License required. Except as provided in section 6302-A and section 6302-B, a person may not engage in the activities authorized under subsection 1-A unless the person is issued one of the following elver fishing licenses under this section:

A. A resident elver fishing license for one device; [2003, c. 452, Pt. F, §11 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A resident elver fishing license for 2 devices; [2003, c. 452, Pt. F, §11 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. A nonresident elver fishing license for one device; [2013, c. 468, §23 (AMD).]

D. A nonresident elver fishing license for 2 devices; [2013, c. 468, §23 (AMD).]

E. A resident elver fishing license with crew for one device; [2013, c. 468, §23 (NEW).]

F. A resident elver fishing license with crew for 2 devices; [2013, c. 468, §23 (NEW).]

G. A nonresident elver fishing license with crew for one device; or [2013, c. 468, §23 (NEW).]

H. A nonresident elver fishing license with crew for 2 devices. [2013, c. 468, §23 (NEW).]

The department may not issue a license under paragraph E, F, G or H until January 1, 2015.

[2013, c. 485, §5 (AMD) .]

1-A. Licensed activity. The holder of an elver fishing license or elver fishing license with crew may fish for, take or possess elvers. The holder of an elver fishing license or elver fishing license with crew may transport and sell within state limits elvers that the license holder has taken. The holder of an elver fishing license with crew is liable for the licensed activities under this subsection of an unlicensed crew member assisting that license holder pursuant to subsection 1-B. Only the license holder to whom a tag is issued may empty an elver fyke net.

[2013, c. 468, §24 (NEW) .]

1-B. License limitations. An elver fishing license with crew authorizes the license holder to engage in the licensed activities under subsection 1-A. The holder of an elver fishing license with crew may engage one unlicensed crew member to assist the license holder only in certain activities as authorized by rule, and the unlicensed crew member may assist only under the direct supervision of the license holder.

[2013, c. 468, §24 (NEW) .]

1-C. Elver transaction card issued. The department may issue an elver transaction card to each license holder under this section and to each license holder under section 6302-A, subsection 3, paragraphs E, E-1, F and G in accordance with section 6302-B. The license holder shall use the elver transaction card to meet electronic reporting requirements established by rule pursuant to section 6173. The elver transaction card must include the license holder's name and license number.

[2013, c. 485, §6 (AMD) .]

1-D. Use of elver transaction card required. The holder of an elver fishing license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not sell or transfer elvers the license holder has taken to an elver dealer licensed under section 6864 unless the holder of the elver fishing license presents to the elver dealer the elver transaction card issued to that person under subsection 1-C.

[2013, c. 468, §24 (NEW) .]

1-E. Elver transaction card limited. A person may not possess an elver transaction card unless that person holds a license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G and the elver transaction card was issued to that person pursuant to subsection 1-C.

[2013, c. 468, §24 (NEW) .]

2. Eligibility. An elver fishing license may be issued only to an individual who:

A. [1999, c. 534, §1 (RP).]

B. [1999, c. 534, §1 (RP).]

C. Possessed an elver fishing license in the previous calendar year; [2011, c. 549, §3 (AMD) .]

D. [2005, c. 533, §1 (RP).]

E. Did not possess an elver fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year; or [2011, c. 549, §3 (AMD) .]

F. Becomes eligible to obtain an elver fishing license pursuant to the elver lotteries under subsection 2-B. [2011, c. 549, §3 (NEW) .]

[2011, c. 549, §3 (AMD) .]

2-A. Elver license lottery.

[2005, c. 533, §2 (RP) .]

2-B. Elver lotteries. The commissioner shall establish a dual lottery system under which the number of pieces of gear authorized does not exceed the number of pieces of gear authorized as of December 31, 2011, except that beginning in 2013 that number must be increased to include an additional 25 dip nets.

A. The commissioner shall establish an elver gear lottery under which gear authorizations for use under a license issued under subsection 1 that is not renewed become available to other license holders in the elver gear lottery.

(1) The elver gear lottery must be held on or before February 15th of each calendar year beginning in 2013.

(2) In order to be eligible for the elver gear lottery, a person must hold an elver fishing license pursuant to subsection 1 and must have authorization to use only a dip net.

(3) In order to be eligible for the elver gear lottery, a person must submit to the Commissioner of Marine Resources a lottery application together with a \$25 nonrefundable application fee no later than January 15th for the lottery to be held by the following February 15th.

(4) A person may submit no more than one elver gear lottery application per lottery year.

(5) A person selected in the elver gear lottery must relinquish a dip net authorization that person holds in exchange for authorization to use an elver fyke net. [2011, c. 549, §4 (NEW) .]

B. The commissioner shall establish an elver fishing license lottery under which a person who did not hold an elver fishing license in the previous calendar year may become eligible to obtain that license. The number of persons issued licenses under this paragraph may not exceed the number of individual gear authorizations remaining after the elver gear lottery.

(1) The elver fishing license lottery must take place after the elver gear lottery.

(2) The elver fishing license lottery must be held on or before February 15th of each calendar year beginning in 2013.

(3) In order to be eligible for the elver fishing license lottery, a person must submit a lottery application together with a \$25 nonrefundable application fee no later than January 15th of the same calendar year as the lottery.

(4) A person may submit no more than one elver fishing license lottery application per lottery year. [2011, c. 549, §4 (NEW).]

The commissioner shall adopt rules no later than December 31, 2012 to implement the elver gear lottery and the elver fishing license lottery. The rules must include provisions for the method and administration of the lotteries. The elver gear lottery must be set up so that gear authorizations associated with a license that is not renewed go into the elver gear lottery. If a person who held a license that is not renewed has 2 authorized pieces of gear, the gear authorizations must be divided and made available to 2 lottery entrants. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Application fees collected under this subsection must be deposited in the Eel and Elver Management Fund established in section 6505-D.

Notwithstanding any other provision of this section, the commissioner may not hold a lottery under this subsection.

[2013, c. 301, §9 (AMD) .]

3. Limits on issuance.

[2013, c. 8, §3 (RP) .]

3-A. Elver fishing quotas. The commissioner may adopt rules to establish, implement and administer an elver individual fishing quota system in order to ensure that the elver fishery annual landings do not exceed the overall annual quota established by the Atlantic States Marine Fisheries Commission. Except as provided in section 6575-L, a person issued a license under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not take, possess or sell elvers in excess of the weight quota allocated to that person under the quota system. The rules must:

A. Establish an overall annual quota for the State; [2013, c. 485, §7 (NEW) .]

B. Establish the amount of the overall annual quota under paragraph A that is allocated to persons licensed under this section and specify a formula to establish individual quotas for persons licensed under this section. The formula may take into account the amount of elvers a person licensed under this section lawfully harvested in previous seasons based on final harvesting reports. The rules must specify the date by which harvester reports are considered final for the purpose of determining individual quotas; and [2013, c. 485, §7 (NEW) .]

C. Provide, in accordance with section 6302-B, that 21.9% of the overall annual quota under paragraph A is allocated to the federally recognized Indian tribes in the State and establish the amount of that portion of the overall annual quota allocated to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs. [2013, c. 485, §7 (NEW) .]

If persons issued licenses under this section collectively exceed the overall annual quota allocated to those persons pursuant to paragraph B, the number of pounds by which the license holders exceeded that overall annual quota must be deducted from the following year's overall annual quota allocated to persons licensed under this section. If the overage exceeds the overall annual quota allocated to persons licensed under this section for the following year, the overage must be deducted from the overall annual quota allocated to persons licensed under this section in subsequent years until the entire overage has been accounted for.

The commissioner may adopt or amend rules on an emergency basis if immediate action is necessary to establish and implement the elver individual fishing quota in advance of the beginning of the elver fishing season.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2015, c. 131, §1 (AMD) .]

4. Fees. Fees for elver fishing licenses are:

A. For a person who is a resident, \$105; [2013, c. 468, §25 (AMD) .]

B. For a person who is a nonresident, \$442; [2013, c. 468, §25 (AMD) .]

C. For a person who is a resident with crew, \$305; and [2013, c. 468, §25 (NEW) .]

D. For a person who is a nonresident with crew, \$1,326. [2013, c. 468, §25 (NEW) .]

Fifty dollars of each license fee collected under paragraphs A and B and \$200 of each license fee collected under paragraphs C and D accrue to the Eel and Elver Management Fund established in section 6505-D.

[2013, c. 468, §25 (AMD) .]

5. Gear. A person issued a license under this section may utilize one elver fyke net, one Sheldon eel trap or one dip net to fish for or take elvers without paying the fee required for a first net or trap pursuant to section 6505-B. A license issued under this section must identify the number and types of nets that the license holder may use pursuant to this section, section 6505-B and section 6575-B.

[2015, c. 391, §8 (AMD) .]

5-A. Possession of elvers. The holder of an elver fishing license may possess elvers only during the open season established in section 6575 and for up to 6 hours beyond the end of the open season.

[2013, c. 301, §10 (NEW) .]

6. Minimum age. A person who is under 15 years of age may not fish for or take elvers.

[2001, c. 421, Pt. B, §28 (AMD); 2001, c. 421, Pt. C, §1 (AFF) .]

7. Nonresident licenses; reciprocity with other states. A nonresident is eligible to purchase an elver fishing license only if the nonresident documents to the commissioner that the nonresident's state of residence allows Maine residents to purchase an elver license and fish for elvers in that state.

[1999, c. 7, §5 (NEW) .]

8. Violation.

[2013, c. 49, §8 (RP) .]

8-A. Violation. A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2013, c. 49, §9 (NEW) .]

SECTION HISTORY

1995, c. 536, §A8 (NEW). 1997, c. 297, §§1,2 (AMD). 1999, c. 7, §§2-5 (AMD). 1999, c. 534, §§1-3 (AMD). 2001, c. 421, §§B27-29 (AMD). 2001, c. 421, §C1 (AFF). 2003, c. 20, §WW7 (AMD). 2003, c. 452, §F11 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 533, §§1,2 (AMD). 2007, c. 615, §15 (AMD). 2009, c. 213, Pt. G, §6 (AMD). 2011, c. 549, §§3-5 (AMD). 2013,

c. 8, §§2, 3 (AMD). 2013, c. 49, §§8, 9 (AMD). 2013, c. 301, §§9, 10 (AMD). 2013, c. 468, §§23-25 (AMD). 2013, c. 485, §§5-7 (AMD). 2015, c. 131, §1 (AMD). 2015, c. 391, §8 (AMD).

§6505-B. ELVER GEAR FEES

1. Elver fyke net and Sheldon eel trap fee. A person may not submerge an elver fyke net or a Sheldon eel trap in the waters of the State to fish for or take elvers unless the net or trap owner pays annually the following fees:

A. Fifty-eight dollars per net or trap for the use of an elver fyke net or Sheldon eel trap, except that the fee under this paragraph does not apply to an elver fyke net or Sheldon eel trap a person utilizes pursuant to section 6505-A, subsection 5. [2009, c. 213, Pt. G, §7 (AMD).]

B. [1999, c. 7, §6 (RP).]

C. [1999, c. 7, §6 (RP).]

[2009, c. 213, Pt. G, §7 (AMD) .]

2. Tags for elver fyke net and Sheldon eel trap. A person may not submerge an elver fyke net or Sheldon eel trap in the coastal waters of the State to fish for or take elvers unless a tag issued by the department is affixed to the shoreside wing of the net or trap and is clearly visible. The department may issue a replacement tag when an owner issued a tag documents that a net or trap has been damaged or lost.

[2001, c. 421, Pt. B, §30 (AMD); 2001, c. 421, Pt. C, §1 (AFF) .]

3. Dip net fee. A person may not utilize a dip net to fish for or take elvers without paying a fee of \$58 per dip net annually.

This subsection does not apply to a dip net a person utilizes pursuant to section 6505-A, subsection 5.

[2009, c. 213, Pt. G, §8 (AMD) .]

4. Payment with license. The fees required under subsections 1 and 3 must be paid upon application for an elver fishing license under section 6505-A.

[1995, c. 536, Pt. A, §8 (NEW) .]

5. Disposition of fees. Fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D as follows:

A. Fifty dollars per net or trap for the use of an elver fyke net or Sheldon eel trap; and [2009, c. 213, Pt. G, §9 (NEW).]

B. Fifty dollars per dip net. [2009, c. 213, Pt. G, §9 (NEW).]

[2009, c. 213, Pt. G, §9 (AMD) .]

6. Violation. A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2013, c. 49, §10 (AMD) .]

SECTION HISTORY

1995, c. 536, §A8 (NEW). 1997, c. 297, §§3-5 (AMD). 1997, c. 575, §2 (AMD). 1999, c. 7, §6 (AMD). 2001, c. 421, §B30 (AMD). 2001, c. 421, §C1 (AFF). 2009, c. 213, Pt. G, §§7-9 (AMD). 2011, c. 549, §6 (AMD). 2013, c. 49, §10 (AMD).

§6505-C. EEL HARVESTING LICENSE

1. License required. A person may not fish for or take eels in the coastal waters of the State or possess, ship, transport or sell eels that the person has taken in the coastal waters of the State without an eel harvesting license.

[2001, c. 421, Pt. B, §31 (AMD); 2001, c. 421, Pt. C, §1 (AFF) .]

2. Exemptions. A person may fish for or take for personal use eels in the coastal waters of the State by speargun, harpoon, trap or hook and line and may possess or transport eels that person has taken pursuant to this subsection. The department shall adopt rules establishing a limit on the number of eels that a person may fish for, take, possess or transport pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 187, §1 (AMD) .]

3. Eligibility. An eel harvesting license may be issued only to an individual.

[2001, c. 421, Pt. B, §31 (AMD); 2001, c. 421, Pt. C, §1 (AFF) .]

4. Fees. The fee for an eel harvesting license is \$125.

[2009, c. 213, Pt. G, §10 (AMD) .]

5. Disposition of fees. All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D, except that \$50 must accrue to the General Fund for each license sold under this section.

[2009, c. 561, §19 (AMD) .]

6. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

[2001, c. 421, Pt. B, §31 (NEW); 2001, c. 421, Pt. C, §1 (AFF) .]

SECTION HISTORY

1995, c. 536, §A8 (NEW). 2001, c. 187, §1 (AMD). 2001, c. 421, §B31 (AMD). 2001, c. 421, §C1 (AFF). 2003, c. 20, §WW8 (AMD). 2009, c. 213, Pt. G, §10 (AMD). 2009, c. 561, §19 (AMD).

§6505-D. EEL AND ELVER MANAGEMENT FUND

1. Fund established. The Eel and Elver Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund.

[1995, c. 536, Pt. A, §8 (NEW) .]

2. Permissible uses. The commissioner may use the fund to research and manage the State's eel and elver resources, to enforce the laws related to eels and elvers and to cover the costs associated with determining eligibility for elver fishing licenses.

[2011, c. 266, Pt. A, §17 (AMD) .]

3. Plan required.

[2011, c. 266, Pt. A, §18 (RP) .]

SECTION HISTORY

1995, c. 536, §A8 (NEW). 1999, c. 309, §2 (AMD). 2011, c. 266, Pt. A, §§17, 18 (AMD).

Subchapter 2: LIMITS ON FISHING AND PROHIBITED ACTS

Article 1: GENERAL PROHIBITIONS

§6521. DUMPING OF DEAD MARINE ANIMALS OR SCALED FINFISH

1. Deposition of dead marine animals; exception. A person may not deposit or discard, in intertidal zones or in harbors or rivers below the dividing line between tidewater and fresh water, any dead marine animal or its parts, except that:

A. A person may deposit oyster shell cultch in those waters solely to promote growth of oysters with the written permission of the commissioner and under any conditions the commissioner determines appropriate; and [2007, c. 615, §16 (NEW).]

B. The commissioner may grant an exception to this subsection within federal requirements for the purpose of conducting research on dead marine animals. [2007, c. 615, §16 (NEW).]

[2007, c. 615, §16 (RPR) .]

2. Scaled finfish. A person may not deposit, release or dump into the coastal waters any dead or alive finfish from which the scales have been removed.

[1999, c. 771, Pt. B, §4 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF) .]

3. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

[1999, c. 771, Pt. B, §4 (NEW); 1999, c. 771, Pt. D, §§1,2 (AFF) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1991, c. 242, §2 (AMD). 1999, c. 771, §B4 (AMD). 1999, c. 771, §§D1,2 (AFF). 2007, c. 615, §16 (AMD).

§6522. MONOFILAMENT NETS

A person who discards or abandons into any waters any net made of monofilament or of other material which is not biodegradable commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged. [1999, c. 771, Pt. B, §5 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1999, c. 771, §B5 (AMD). 1999, c. 771, §§D1,2 (AFF).

§6523. MARKING ICE FISHING SHACKS

A person may not place any shack or temporary structure used for ice fishing on the frozen territorial waters or use the shack or structure, unless the owner's name and address are painted or otherwise clearly marked on the outside with 2-inch letters. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged. [2001, c. 272, §8 (AMD).]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1999, c. 771, §B5 (AMD). 1999, c. 771, §§D1,2 (AFF). 2001, c. 272, §8 (AMD).

§6524. DRAGGING IN CHARTED CABLE AREAS

(REPEALED)

SECTION HISTORY

1977, c. 661, §5 (NEW). 1983, c. 179, §2 (RP).

§6525. SETTING NEAR WEIRS OR STOP SEINES

(REPEALED)

SECTION HISTORY

1977, c. 661, §5 (NEW). 1983, c. 731, §1 (RP).

§6525-A. SETTING NEAR WEIRS OR STOP SEINES

1. Setting nets or seines near weirs. It is unlawful for any person, other than the weir owner or his crew members, to set or assist in setting any net or seine within 2,000 feet of the mouth of a weir in operating condition whose operator is validly licensed under section 6501 and when the weir is licensed under Title 38, chapter 9.

[1983, c. 731, §2 (NEW) .]

2. Exception. Stop seining is permitted in any cove that does not have a weir even when the seine is less than 2,000 feet from a weir in another cove.

[1983, c. 731, §2 (NEW) .]

3. Cove name and designation. The commissioner shall prepare a map of areas of the State, where weirs are used as a method of fishing, which fixes the location of each weir and designates the boundaries of each cove in which those weirs are located. The map shall be provided to municipalities by the commissioner. Owners of licensed weirs and applicants for a license shall receive a map at cost. When an applicant for a license finds no designation on the map of cove boundaries for the cove where he wants to construct a weir, the municipal officers from the city or town within which the weir will be located shall notify the commissioner of the intended location of the weir on the map. The commissioner shall designate boundaries for the cove.

[1983, c. 731, §2 (NEW) .]

4. Limitation on location of weirs. Weirs shall be licensed according to the following.

A. After the effective date of this Act, no weir may be licensed for construction which is less than 2,000 feet from an existing weir. [1983, c. 731, §2 (NEW).]

B. Weirs which were licensed in 1983 and preceding years may continue to be licensed even when they are located less than 2,000 feet from an existing weir. [1983, c. 731, §2 (NEW).]

C. Any weir licensed in 1983 and preceding years for which the license expired as provided in section 1023 shall be required to be licensed as a new weir as provided in paragraph A. [1983, c. 731, §2 (NEW).]

[1983, c. 731, §2 (NEW) .]

5. Limitation on purse seining. No person may purse seine within 2,000 feet of a licensed weir in operating condition, except that no person may purse seine for herring within one mile of a weir in operating condition that is licensed prior to the effective date of this section.

[1983, c. 731, §2 (NEW) .]

SECTION HISTORY

1983, c. 731, §2 (NEW).

§6526. RULES; BAIT DEALERS LICENSE

The commissioner may adopt rules requiring that a person selling bait be licensed. [1991, c. 784, §5 (NEW).]

SECTION HISTORY

1991, c. 784, §5 (NEW).

Article 1-A: COMMERCIAL UNDERWATER HANDHARVESTING SAFETY

§6531. LICENSES

The commissioner may not issue a handfishing scallop license under section 6701 or a handfishing sea urchin license under section 6748 to any person for calendar year 1995 or later unless: [1993, c. 604, §1 (NEW).]

1. Completion of competency course. That person successfully completes a commercial underwater handharvesting competency course offered under section 6532; or

[1993, c. 604, §1 (NEW) .]

2. Grandfathered. The commissioner determines that that person meets the grandfather provisions of section 6534.

[1993, c. 604, §1 (NEW) .]

SECTION HISTORY

1993, c. 604, §1 (NEW).

§6532. COMMERCIAL UNDERWATER HANDHARVESTING COMPETENCY

By August 15, 1994, the commissioner shall establish a competency training course for individuals engaged in commercial underwater handharvesting activities. The course may be taught by the department or offered by any public or private sector association or organization authorized by the commissioner to offer the course. [1993, c. 604, §1 (NEW).]

1. Enrollment prerequisite. A person is not eligible for enrollment in a course offered under this section unless that person possesses a valid open water diving certification. For the purposes of this article, the term "open water diving certification" means a diving certificate issued by a SCUBA training course meeting or exceeding the basic SCUBA training standards established by the American National Standards Institute.

[1993, c. 604, §1 (NEW) .]

2. Equipment requirements. Each person in the course must have a mask, a snorkel, fins, a buoyancy compensator jacket with low pressure inflator, an air tank and regulator, a pressure gauge, a weight belt and sufficient weights and a properly fitting wet or dry suit. The student provides that equipment if the equipment is not provided by the instructor.

[1993, c. 604, §1 (NEW) .]

3. Recovery of costs; department. For any course taught by the department, the commissioner shall set an enrollment fee sufficient to recover all costs incurred by the department in teaching the course.

[1993, c. 604, §1 (NEW) .]

4. Prescribing the course. In establishing the course, the commissioner may:

A. Prescribe the qualifications of instructors and impose on instructors any minimum insurance liability requirements considered necessary by the commissioner; [1993, c. 604, §1 (NEW) .]

B. Prescribe the course content and the method of instruction, including the time and place of examinations; and [1993, c. 604, §1 (NEW) .]

C. Establish standards for certifying the commercial underwater handharvesting competency of individuals who successfully complete the course. [1993, c. 604, §1 (NEW) .]

[1993, c. 604, §1 (NEW) .]

5. Allowance for waivers. The commissioner may waive any component of a course offered under this section for a person who demonstrates to the commissioner, either through documented experience or technical or professional accreditation, a level of competency for that component that is at least equal to the level of competency necessary to successfully complete the course. It is the responsibility of the person seeking a waiver under this subsection to make that request in writing to the commissioner and to provide the commissioner with any documentation the commissioner determines necessary to make a decision.

[1993, c. 604, §1 (NEW) .]

SECTION HISTORY

1993, c. 604, §1 (NEW) .

§6533. TRAINING REQUIRED TO ACT AS A SCALLOP OR SEA URCHIN TENDER

A person may not act as a tender pursuant to section 6535, section 6701, subsection 5, paragraph B or section 6748, subsection 4, paragraph B unless that person has met the diving tender safety requirements established in rule. [2009, c. 561, §20 (AMD) .]

1. Tender safety training session.

[2009, c. 396, §2 (RP) .]

2. Allowance for waivers.

[2009, c. 396, §2 (RP) .]

3. Requirement for 30-day license.

[2009, c. 396, §2 (RP) .]

SECTION HISTORY

1993, c. 604, §1 (NEW). 1995, c. 392, §1 (AMD). 1997, c. 158, §§1,2 (AMD). 2009, c. 396, §2 (AMD). 2009, c. 561, §20 (AMD).

§6534. GRANDFATHERED HARVESTERS

A person is grandfathered for the purposes of section 6531, subsection 2 if the commissioner determines that that person: [1993, c. 604, §1 (NEW).]

1. Prior license holder. Possessed a scallop or urchin handharvesting license in 1992, 1993 and 1994; and

[1993, c. 604, §1 (NEW) .]

2. Seminar. Attends a classroom seminar on safe sea urchin handharvesting practices conducted or approved by the department.

[1993, c. 604, §1 (NEW) .]

SECTION HISTORY

1993, c. 604, §1 (NEW).

§6535. SEA URCHIN AND SCALLOP DIVING TENDER LICENSE

1. License required. A person may not act as a diving tender on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand unless that person is licensed under this section.

[2009, c. 561, §21 (RPR) .]

2. Licensed activity. A person licensed under this section may tend divers who harvest sea urchins and scallops by hand and operate a boat as a platform for the harvesting of sea urchins and scallops by hand. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops. As used in this subsection, "tend" means to assist the diver in any way, to operate a boat as a platform for harvesting or to cull or otherwise handle the harvested product.

A. [2015, c. 201, §2 (RP).]

B. [2015, c. 201, §2 (RP).]

As long as one person present on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand has met the tender safety requirements adopted by rule pursuant to section 6533, all other persons present on the boat may operate the boat or engage in culling activities or otherwise handle the harvested product. An individual who engages in harvesting activities in accordance with a license issued under section 6701 or 6748 may not be considered as the person who has met the tender safety requirements adopted by rule pursuant to section 6533.

[2015, c. 201, §2 (AMD) .]

3. Eligibility. A sea urchin and scallop diving tender license may be issued only to an individual who is a resident.

[2009, c. 561, §21 (RPR) .]

4. Fees. The fee for a license issued under this section is \$133.

A. [2009, c. 561, §21 (RP).]

B. [2009, c. 561, §21 (RP).]

[2009, c. 561, §21 (RPR) .]

4-A. Exception. A person acting as a tender under section 6701, subsection 5, paragraph B or section 6748, subsection 4, paragraph B does not need to possess a license issued under this Part.

[2009, c. 561, §21 (NEW) .]

5. Prima facie evidence.

[2009, c. 396, §3 (RP) .]

6. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

[2009, c. 561, §21 (RPR) .]

SECTION HISTORY

1995, c. 392, §2 (NEW). 1995, c. 530, §1 (AMD). 1997, c. 19, §6 (AMD). 1997, c. 158, §§3-5 (AMD). 2001, c. 421, §B32 (AMD). 2001, c. 421, §C1 (AFF). 2003, c. 20, §WW9 (AMD). 2009, c. 213, Pt. G, §11 (AMD). 2009, c. 396, §3 (AMD). 2009, c. 561, §21 (RPR). 2013, c. 282, §5 (AMD). 2013, c. 492, §6 (AMD). 2015, c. 201, §2 (AMD).

§6536. SCALLOP DIVING TENDER LICENSE

(REPEALED)

SECTION HISTORY

1995, c. 530, §2 (NEW). 1997, c. 19, §7 (AMD). 2001, c. 421, §B33 (AMD). 2001, c. 421, §C1 (AFF). 2003, c. 20, §WW10 (AMD). 2009, c. 213, Pt. G, §12 (AMD). 2009, c. 396, §4 (RP). 2009, c. 652, Pt. C, §1 (RP).

Article 2: HERRING LIMITATIONS

§6541. ARTIFICIAL LIGHTS IN HERRING FISHING

It shall be unlawful to take herring by use of or with the aid of any artificial light in the coastal waters, except as provided in this section. [1977, c. 661, §5 (NEW).]

The commissioner may adopt or amend regulations that set aside specific areas where artificial light may be used in the taking of herring, provided the herring are to be taken for bait and the activity will not unreasonably interfere with commercial herring fishing. [1977, c. 661, §5 (NEW).]

SECTION HISTORY

1977, c. 661, §5 (NEW).

§6542. SIZE OF HERRING

It shall be unlawful to take, buy, sell, process, ship, transport or possess herring which are less than 4 1/2 inches in length, except: [1977, c. 661, §5 (NEW).]

1. Bait.

[1983, c. 387, §1 (RP) .]

2. Tolerance of 25%. Any person may take, buy, sell, process, ship, transport or possess herring that are less than 4 1/2 inches, if they comprise less than 25% by volume of an entire lot. The 25% tolerance by volume shall be determined by examination of 1/2 bushel chosen at random from each 30 hogsheads of herring or fraction thereof.

[1977, c. 661, §5 (NEW) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1983, c. 387, §1 (AMD).

§6543. STANDARD UNIT OF HERRING MEASURE

A person who purchases or sells herring in their live or raw state for packing, other than by a standard unit of measure or by a fractional part of a standard unit of measure, commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged. The standard units of measure are the bushel, barrel of 3 bushels or the hogshead of 17 1/2 bushels. [1999, c. 771, Pt. B, §6 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF).]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1999, c. 771, §B6 (AMD). 1999, c. 771, §§D1,2 (AFF).

§6544. SEALING OF HERRING BOATS

A person who sells or transports any herring for processing, from or in the hold of any boat, which has not been measured and sealed as provided in this section, commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged. [1999, c. 771, Pt. B, §6 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF).]

1. Sealing of boats. The holds of all boats transporting herring for processing purposes must be measured and sealed by the State Sealer of Weights and Measures or the state sealer's designee.

[1999, c. 771, Pt. B, §6 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF) .]

2. Fee. The owner of the boat shall pay a fee for the measuring and sealing as determined by the State Sealer of Weights and Measures, based on the carrying capacity of the boat.

[1977, c. 661, §5 (NEW) .]

3. Method of measuring and sealing. The measure must be in 5 hogshead divisions measured by liquid measure from a calibrated prover to the top of the hatch coaming. The measurement must be marked and permanently sealed, both forward and aft, in the hold, in the most practicable manner, while the boat is afloat.

[1999, c. 771, Pt. B, §6 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF) .]

4. Notification of broken seals. The boat owner shall immediately notify the State Sealer of Weights and Measures of any alteration or the breaking of any seal.

[1977, c. 661, §5 (NEW) .]

5. Certification to commissioner. After measuring and sealing each boat, the State Sealer of Weights and Measures shall certify to the commissioner the name of the owner and the name and capacity of each boat.

[1977, c. 661, §5 (NEW) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1999, c. 771, §B6 (AMD). 1999, c. 771, §§D1,2 (AFF).

§6545. ENFORCEMENT COOPERATION

The Commissioner of Marine Resources and the Commissioner of Agriculture, Conservation and Forestry shall cooperate in the enforcement of sections 6542 and 6543. [2009, c. 2, §25 (COR); 2011, c. 657, Pt. W, §6 (REV).]

SECTION HISTORY

1977, c. 661, §5 (NEW). RR 2009, c. 2, §25 (COR). 2011, c. 657, Pt. W, §6 (REV).

§6546. SALE AND PURCHASE OF HERRING; WRITTEN ACKNOWLEDGEMENT

Any person, firm or corporation purchasing herring from a fisherman or his agent, at the time of purchase, shall furnish to the fisherman or his agent a written acknowledgment of the purchase. [1981, c. 671, (NEW).]

1. Contents of acknowledgment. Unless otherwise agreed to by the parties, the buyer shall insert in the written acknowledgment all information necessary for a complete understanding of the transaction, including the price and quantity, and a provision for payment at a time not later than 14 days after delivery of the herring.

[1981, c. 671, (NEW) .]

2. Payments. Unless otherwise agreed to by the parties, the buyer shall make all payments to the fisherman, or his agent, in money or in money equivalent, which includes, but is not limited to, credit against any outstanding indebtedness the fisherman may have to the buyer.

[1981, c. 671, (NEW) .]

SECTION HISTORY

1981, c. 671, (NEW).

§6547. SALE OR PACKING OF HERRING (REALLOCATED FROM TITLE 32, SECTION 4159)

The sale and packing of herring is subject to the following. [1991, c. 446, Pt. A, §8 (RAL).]

1. Tolerance of 25%; how determined.

[1985, c. 268, §6 (RP) .]

1. Human consumption and bait purposes. If there is a buyer of herring for processing for human consumption within a reasonable distance of the place where the herring are caught that is available at the time they are offered for sale and ready and willing to purchase at a price acceptable to the seller, it is unlawful for any person, firm or corporation to sell, offer for sale or transfer in any manner herring that are 4 1/2 inches in length or longer, when measured from one extreme to the other, to any person, firm or corporation for purposes other than for human consumption or bait, unless those herring are not desirable for processing for human consumption.

[1991, c. 446, Pt. A, §8 (RAL) .]

2. Fish meal or oil. It is unlawful for any person, firm or corporation to process herring that are 4 1/2 inches in length or longer, when measured from one extreme to the other, for use as fish meal or oil.

[1991, c. 446, Pt. A, §8 (RAL) .]

3. Canning, packing or processing. No person, firm or corporation may can, pack or otherwise process those herring other than for human consumption, except as provided in this section.

[1991, c. 446, Pt. A, §8 (RAL) .]

4. Processing, transfer or sale of by-products. Nothing in this section may prohibit the processing, transfer or sale of herring cuttings, by-products or waste.

[1991, c. 446, Pt. A, §8 (RAL) .]

SECTION HISTORY

1991, c. 446, §A8 (RAL).

Article 3: MISCELLANEOUS SPECIES

§6551. TUNA; METHOD OF TAKING

A person may not: [2003, c. 452, Pt. F, §12 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

1. Fish for or take tuna; permitted methods. Fish for or take any tuna by any method other than by harpoons or by hook and line; or

[2003, c. 452, Pt. F, §12 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Possess. Possess any tuna that was taken in an unlawful manner.

[2003, c. 452, Pt. F, §12 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 2003, c. 452, §X2 (AFF). 2003, c. 452, §F12 (RPR).

§6552. SMELTS; METHOD AND AMOUNT

(REPEALED)

SECTION HISTORY

1977, c. 661, §5 (NEW). 1985, c. 217, (AMD). 1987, c. 173, (RP).

§6553. ATLANTIC SALMON; LIMITS; METHOD OF TAKING; CLOSED SEASON

(REPEALED)

SECTION HISTORY

1977, c. 661, §5 (NEW). 1981, c. 459, §2 (AMD). 1981, c. 662, §2 (AMD). 1983, c. 638, (AMD). 1983, c. 680, §5 (AMD). 1985, c. 506, §A14 (AMD). 1987, c. 690, §§9-11 (AMD). 1995, c. 406, §7 (RP).

§6553-A. IMPLEMENTS AND DEVICES IN WASHINGTON COUNTY WATERS

Between May 1st and December 1st of each year, it is unlawful to set or use any device, such as fish spawn, grapnel, spear, trawl, weir, gaff, seine, gill net, trap or set line on the waters of the Pleasant River and its tributaries in Columbia Falls and Addison, in Washington County, above Maine River Bridge, so-called, in Addison, and during that closed period a person may not have in that person's possession any grapnel, trawl, weir, seine, gill net, trap or set line on the waters of the Pleasant River or its tributaries within those boundaries. This section does not apply to the taking of eels by spear from those waters during the month of November annually. This section does not apply to the taking of river herring from those waters as authorized by the general law or by vote of the Town of Columbia Falls. Any equipment used in violation of this section must be confiscated by the commissioner, after final adjudication of any charge brought under this section. [2011, c. 598, §24 (AMD).]

SECTION HISTORY

1983, c. 830, (NEW). 2011, c. 598, §24 (AMD).

§6553-B. FIXED GILL NETS; LIMITED PROHIBITION

SECTION HISTORY

1993, c. 681, §1 (NEW). MRSA T. 12, §6553-B (RP).

§6554. PACIFIC SALMON; METHOD OF TAKING; LIMITS

1. Minimum length. A person may not take or possess Pacific salmon which are less than 14 inches in length.

[1999, c. 771, Pt. B, §7 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF) .]

2. Method of taking. A person may not fish for or take Pacific salmon from the coastal waters by any means other than hook and line with a single hook.

[1999, c. 771, Pt. B, §7 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF) .]

3. Limits. A person may not take more than 2 Pacific salmon in any one day.

[1999, c. 771, Pt. B, §7 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF) .]

4. Exception for aquaculture. A person lawfully engaged in the aquaculture of Pacific salmon is exempt from this section if that person holds a special license, if required, under section 6074.

[1999, c. 771, Pt. B, §7 (AMD); 1999, c. 771, Pt. D, §§1,2 (AFF) .]

5. Recommendations; commissioner. Nothing in this chapter may prohibit the commissioner from recommending to the Legislature changes in the limit on Pacific salmon that may be taken by hook and line with a single hook.

[1983, c. 662, §5 (NEW) .]

6. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

[1999, c. 771, Pt. B, §7 (NEW); 1999, c. 771, Pt. D, §§1,2 (AFF) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1983, c. 662, §5 (AMD). 1999, c. 771, §B7 (AMD). 1999, c. 771, §§D1,2 (AFF).

§6555. STRIPED BASS; METHOD OF TAKING

It is unlawful to fish for or take striped bass, except by hook and line. [2001, c. 272, §9 (AMD) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1981, c. 231, (AMD). 1983, c. 250, (RPR). 1985, c. 202, (AMD). 1985, c. 596, §1 (AMD). 1985, c. 596, §§2,5 (RPR). 1987, c. 513, §§6,7 (AMD). 1987, c. 622, §1 (RPR). 1989, c. 788, §2 (AMD). 2001, c. 272, §9 (AMD).

§6556. STRIPED BASS; LIMITS; PERSONAL USE

It is unlawful for any person to fish for or take striped bass, except for personal use.

SECTION HISTORY

1983, c. 713, §§1,2 (NEW). 1985, c. 596, §3 (AMD). 1985, c. 596, §§4,5 (RPR). 1987, c. 622, §2 (RPR). 1989, c. 788, §3 (AMD). 2001, c. 272, §10 (AMD). 2001, c. 272, §10 (AMD).

§6556-A. STRIPED BASS; MODIFICATION OF REQUIREMENTS (REPEALED)

SECTION HISTORY

1987, c. 622, §3 (NEW). 1989, c. 788, §4 (RP).

Article 4: CERTAIN AREA LIMITATIONS

§6571. WASHINGTON COUNTY

Within the territorial waters adjacent to Washington County: [2001, c. 272, §11 (AMD) .]

1. Otter or beam trawls prohibited. From May 1st to December 15th, both days inclusive, it shall be unlawful to use either otter or beam trawls, except in the St. Croix River above or north of Quoddy Head lighthouse; and

[1977, c. 661, §5 (NEW) .]

2. Purse seines prohibited.

[1983, c. 731, §3 (RP) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1977, c. 713, §6 (AMD). 1979, c. 262, (AMD).
1983, c. 108, (AMD). 1983, c. 731, §3 (AMD). 2001, c. 272, §11 (AMD).

§6572. IDENTIFICATION OF GROUND FISH SPAWNING AREAS

1. Spawning areas for certain species. By January 1, 1998, the commissioner shall by rule identify all locations of the territorial waters that serve as spawning areas for cod, haddock or yellowtail flounder and the dates during which those spawning activities occur in each area. In determining the coastal spawning areas for cod, haddock and yellowtail flounder, the commissioner shall solicit information on the State's historic coastal groundfish spawning areas from persons who participate in, or are otherwise knowledgeable about, commercial and recreational coastal marine fisheries. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[2001, c. 272, §12 (AMD) .]

2. Report. The commissioner shall by March 15, 2003 report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on areas identified as spawning areas for cod, haddock or yellowtail flounder and any actions taken by the commissioner regarding those spawning areas.

[1997, c. 92, §1 (NEW) .]

3. Repeal of authority. After June 30, 2003, the commissioner may not designate spawning areas for cod, haddock or yellowtail flounder.

[1997, c. 92, §1 (NEW) .]

SECTION HISTORY

1997, c. 92, §1 (NEW). 2001, c. 272, §12 (AMD).

Article 5: ELVER AND EEL LIMITATIONS

§6575. OPEN SEASON; ELVER HARVESTING

1. Open season. It is unlawful for a person to fish for or take elvers within the waters of the State except during the open season from noon on March 22nd to noon on June 7th.

[2015, c. 391, §9 (AMD) .]

1-A. Federally recognized Indian tribes; violation. It is unlawful for a person to fish for or take elvers in violation of rules adopted by the commissioner under section 6302-B, subsection 4.

[2015, c. 391, §10 (NEW) .]

2. Setting nets and traps. It is unlawful for a person to immerse or leave immersed an elver fyke net or a Sheldon eel trap in any river, stream or brook of the waters of the State at any time other than the open season for elver fishing.

[1999, c. 7, §7 (AMD) .]

3. Locating nets. It is unlawful for a person to designate or claim by any means a location in which to set an elver fyke net or a Sheldon eel trap at any time other than the open season for elver fishing.

[1999, c. 7, §7 (AMD) .]

4. Nets of certain sizes.

[1999, c. 7, §7 (RP) .]

5. Violation. A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2013, c. 49, §11 (NEW) .]

SECTION HISTORY

1995, c. 536, §A9 (NEW). 1995, c. 536, §A13 (AFF). 1997, c. 91, §4 (AMD). 1999, c. 7, §7 (AMD). 2013, c. 49, §11 (AMD). 2015, c. 391, §§9, 10 (AMD).

§6575-A. CLOSED PERIOD; ELVER HARVESTING *(REPEALED)*

SECTION HISTORY

1995, c. 536, §A9 (NEW). 1995, c. 536, §A13 (AFF). 1997, c. 575, §3 (AMD). 1999, c. 7, §8 (AMD). 2011, c. 549, §7 (AMD). 2013, c. 49, §12 (RPR). 2013, c. 468, §26 (AMD). 2015, c. 391, §11 (RP).

§6575-B. METHOD OF ELVER FISHING; LIMITS ON GEAR

1. Gear. It is unlawful for a person to fish for or take elvers by any method other than by dip net, elver fyke net or Sheldon eel trap.

[1995, c. 536, Pt. A, §9 (NEW) .]

2. Number of elver fyke nets and Sheldon eel traps.

[1999, c. 7, §9 (RP) .]

2-A. Number of nets and Sheldon eel traps.

[1999, c. 534, §4 (RP) .]

2-B. Type and amount of gear. It is unlawful for a person to immerse elver fishing gear other than the types and amounts listed on the person's license pursuant to section 6505-A, subsection 5. A person may not immerse an amount of elver fishing gear that exceeds the amount of elver fishing gear listed on the person's license for the previous elver fishing season. A person may elect which types of gear are listed on the person's

license prior to the issuance of the license for that elver fishing season. The commissioner may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. [2015, c. 391, §12 (RP).]

B. [2005, c. 533, §3 (RP).]

C. [2005, c. 533, §3 (RP).]

[2015, c. 391, §12 (AMD) .]

3. Rebuttable presumption. It is a rebuttable presumption that an elver fyke net, Sheldon eel trap or elver dip net immersed in any waters of the State at any time of the year is immersed for the purpose of fishing for or taking elvers.

[1999, c. 7, §11 (AMD) .]

4. Prohibition on fishing from boats. It is unlawful for a person to set or tend an elver fyke net or a Sheldon eel trap from a boat or to fish for or take elvers from a boat. A person may transport an elver fyke net, a Sheldon eel trap or a dip net by boat.

[1995, c. 536, Pt. A, §9 (NEW) .]

5. Use of dip nets. It is unlawful for a person to use a dip net to fish for or take elvers while standing in the coastal waters of the State.

[1997, c. 575, §4 (AMD) .]

6. Prohibition on fishing from artificial platforms. A person may not build or use an artificial platform to fish for elvers. This subsection does not prohibit fishing for elvers from piers or floats established for purposes other than elver fishing.

[1999, c. 7, §12 (NEW) .]

7. Bycatch release. A person immediately shall return alive into the waters of the State any species other than elver that is caught in an elver fyke net.

[1999, c. 7, §12 (NEW) .]

8. St. Croix River; use of fyke nets prohibited.

[2015, c. 391, §13 (RP) .]

SECTION HISTORY

1995, c. 536, §A9 (NEW). 1997, c. 91, §5 (AMD). 1997, c. 575, §4 (AMD). 1999, c. 7, §§9-12 (AMD). 1999, c. 534, §§4,5 (AMD). 2005, c. 533, §3 (AMD). 2013, c. 468, §27 (AMD). 2015, c. 391, §§12, 13 (AMD).

§6575-C. CLOSED AREAS; ELVER FISHING

1. Dams with fishways.

[2013, c. 49, §13 (RP) .]

2. River herring traps. A person may not fish for or take elvers within 50 feet of a licensed river herring trap.

[2011, c. 598, §25 (AMD) .]

3. Portion of rivers, streams and brooks. A person may not:

A. Fish for or take elvers at any time within the middle 1/3 of a river, stream, brook or other watercourse, as measured at mean high tide, within the coastal waters of the State; or [2003, c. 452, Pt. F, §14 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Obstruct the middle 1/3 of any river, stream, brook or other watercourse, as measured at mean low tide, within the coastal waters of the State. [2003, c. 452, Pt. F, §14 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[2003, c. 452, Pt. F, §14 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

4. Dip nets near elver fyke nets. A person may not fish for or take elvers with a dip net in the mouth of an elver fyke net. For the purposes of this subsection, "mouth of an elver fyke net" means that area within an elver fyke net that is net-side of a straight line that runs from one meshed wing tip of the net to the other meshed wing tip.

[2003, c. 452, Pt. F, §15 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

5. Fyke net placement. A person may not place or set an elver fyke net or take elvers from an elver fyke net when any portion of the net, including any anchoring device, is located within an imaginary line between the wing ends of another elver fyke net. Cod end anchoring devices may not exceed 10 feet in length and wing end anchoring devices may not interfere with or create a hazard to navigation within the middle 1/3 of a navigable watercourse. A marine patrol officer may open the cod end of a net that is located in violation of this subsection.

[1999, c. 7, §13 (NEW) .]

6. Obstructing elver fyke nets. A person may not set an elver fyke net or place an obstruction near an elver fyke net in a manner that interferes with the operation of an elver fyke net.

[1999, c. 7, §13 (NEW) .]

7. Rulemaking; gear placement. If necessary to conserve the elver resource, the commissioner may adopt rules pursuant to section 6171 relating to placement of elver fishing gear based on the configuration of specific rivers, streams, brooks or other watercourses. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[1999, c. 7, §13 (NEW) .]

SECTION HISTORY

1995, c. 536, §A9 (NEW). 1997, c. 91, §6 (AMD). 1997, c. 575, §5 (AMD). 1999, c. 7, §13 (AMD). 2003, c. 452, §§F13-15 (AMD). 2003, c. 452, §X2 (AFF). 2011, c. 598, §25 (AMD). 2013, c. 49, §13 (AMD).

§6575-D. MOLESTING ELVER FISHING GEAR

1. Prohibition. Except as provided in subsection 1-A, a person other than a marine patrol officer or the license holder issued a tag for an elver fyke net may not utilize, transfer, alter, possess or in any manner handle the net unless that person has been issued a license to fish for elvers with an elver fyke net under

section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A or a license to fish for elvers with crew with an elver fyke net under section 6505-A and the license holder issued the tag for the elver fyke net is present and assisting in setting, tending or removing the net.

A. [1999, c. 7, §14 (RP).]

B. [2013, c. 468, §28 (RP).]

[2013, c. 468, §28 (AMD) .]

1-A. Restriction on emptying net or trap; exception. A person other than the license holder identified on the tag for an elver fyke net or a Sheldon eel trap may not empty that net or trap unless that person has been issued an elver fishing license for the same gear type and has been issued written permission by a marine patrol officer to tend that net or trap. A marine patrol officer may issue a person written permission for the person to tend the license holder's net or trap only for the purpose of releasing captured elvers into the waters of the State if the license holder is temporarily unable to tend that net or trap because of a disability or personal or family medical condition. If the license holder is unable to tend that net or trap for more than 2 consecutive weeks, the net or trap must be removed from the water.

[2013, c. 468, §28 (NEW) .]

2. Violation. A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2013, c. 49, §14 (AMD) .]

SECTION HISTORY

1995, c. 536, §A9 (NEW). 1999, c. 7, §14 (AMD). 2001, c. 421, §B34 (AMD). 2001, c. 421, §C1 (AFF). 2011, c. 549, §8 (AMD). 2013, c. 49, §14 (AMD). 2013, c. 468, §28 (AMD).

§6575-E. METHOD OF EEL FISHING

Except as provided in section 6505-C, subsection 2, it is unlawful for a person licensed under section 6505-C to fish for or take eels by any method other than eel pot. [2013, c. 301, §11 (AMD).]

SECTION HISTORY

1995, c. 536, §A9 (NEW). 2001, c. 272, §13 (AMD). 2013, c. 301, §11 (AMD).

§6575-F. WEST SIDE OF ORLAND RIVER CLOSED TO ELVER FISHING

A person may not fish for or take elvers within the portion of the Orland River between the west bank and the center of the river from the southernmost point of land on Fish Point to the dam in Orland. [1999, c. 18, §1 (NEW).]

SECTION HISTORY

1999, c. 18, §1 (NEW).

§6575-G. DAMS WITH FISHWAYS; ELVER FISHING

1. Dams with fishways. A person may not fish for or take elvers within 150 feet of any part of a dam with a fishway or within 150 feet of a fishway.

[2013, c. 49, §15 (NEW) .]

2. Violation. A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2013, c. 49, §15 (NEW) .]

SECTION HISTORY

2013, c. 49, §15 (NEW).

§6575-H. SALE AND PURCHASE OF ELVERS

1. Sale of elvers. A person may not sell elvers except as follows.

A. A person may not sell elvers except to a person who holds a valid elver dealer's license under section 6864 or a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864. [2013, c. 301, §12 (NEW) .]

B. A person may not accept payment for elvers in any form other than a check or cashier's check that identifies both the buyer, by whom the landings will be reported, and the seller, each of whom must be a person holding a license issued under section 6864, a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864 or a person holding a license issued under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A. [2013, c. 468, §29 (AMD) .]

[2013, c. 468, §29 (AMD) .]

1-A. Purchase of elvers. A person who holds a valid elver dealer's license under section 6864 or a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864 shall post at the point of sale the price that that buyer will pay.

[2013, c. 485, §8 (NEW) .]

2. Violation. A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2013, c. 49, §15 (NEW) .]

SECTION HISTORY

2013, c. 49, §15 (NEW). 2013, c. 301, §12 (AMD). 2013, c. 468, §29 (AMD). 2013, c. 485, §8 (AMD).

§6575-I. ASSISTING IN ILLEGAL HARVEST OF ELVERS

(REPEALED)

SECTION HISTORY

2013, c. 301, §13 (NEW). 2013, c. 468, §30 (RP).

§6575-J. SEIZURE OF ILLEGALLY HARVESTED ELVERS

In addition to any other penalty imposed, elvers that are purchased or possessed that were taken in violation of any law or rule pertaining to elvers are subject to seizure by any officer authorized to enforce this Part. The entire bulk pile containing illegally harvested elvers may be seized. [2013, c. 301, §13 (NEW).]

SECTION HISTORY

2013, c. 301, §13 (NEW).

§6575-K. ELVER INDIVIDUAL FISHING QUOTA

1. Prohibition on possession or sale of elvers in excess of elver individual fishing quota. A person may not possess or sell a weight of elvers that exceeds the elver individual fishing quota that person has been allocated for the fishing season pursuant to section 6505-A, subsection 3-A, plus any additional quota the person may be authorized to take under section 6575-L.

[2015, c. 131, §2 (AMD).]

2. Prohibition on fishing after elver individual fishing quota has been reached. Except as provided in section 6575-L, this section applies to fishing after a person's elver individual fishing quota has been reached. A person who has sold a weight of elvers that meets or exceeds that person's elver individual fishing quota may not fish for or possess elvers for the remainder of the season, except that such a person who has been issued a license to fish for elvers may in accordance with section 6575-D assist another person who has been issued a license to fish for elvers who has not met or exceeded that person's elver individual fishing quota as provided in section 6505-A, subsection 3-A. All gear tagged by a license holder who has met or exceeded that person's elver individual fishing quota must be removed. A marine patrol officer may seize the elver transaction card of a license holder who has met or exceeded that person's elver individual fishing quota.

[2015, c. 131, §2 (AMD).]

3. Violation. An individual who in fact violates this section commits a crime in accordance with section 6204 for which a fine of \$2,000 must be imposed, none of which may be suspended.

[2013, c. 485, §9 (NEW).]

SECTION HISTORY

2013, c. 485, §9 (NEW). 2015, c. 131, §2 (AMD).

§6575-L. TEMPORARY MEDICAL TRANSFER

The commissioner may authorize a temporary medical transfer of the elver individual fishing quota allocated to a person under section 6505-A in accordance with this section. The holder of an elver fishing license who requests a temporary medical transfer under this section must maintain a valid elver fishing license during the duration of the temporary medical transfer. [2015, c. 131, §3 (NEW).]

1. Temporary medical transfer requested prior to March 1st. Notwithstanding section 6505-A, subsection 3-A, the commissioner may authorize a temporary medical transfer that permits the holder of an elver fishing license issued under section 6505-A to transfer the entire annual quota allocated to that person to another person holding an elver fishing license issued under section 6505-A if the following criteria are met:

A. The transferor reported elver landings in the prior fishing year; [2015, c. 131, §3 (NEW).]

B. The transferor is unable to fish the quota allocated to the transferor because the transferor has experienced a substantial illness or medical condition. The transferor shall provide the commissioner with documentation from a physician describing the substantial illness or medical condition; and [2015, c. 131, §3 (NEW).]

C. The transferor requests a temporary medical transfer in writing before March 1st of the fishing year for which it is being requested, except that the commissioner may adopt rules that provide a method for authorizing a temporary medical transfer requested after March 1st to address emergency medical conditions. [2015, c. 131, §3 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2015, c. 1, §5 (COR) .]

SECTION HISTORY

RR 2015, c. 1, §5 (COR). 2015, c. 131, §3 (NEW).

Subchapter 3: MAINE GROUND FISH ASSOCIATION

§6581. FINDINGS AND PURPOSE

(REPEALED)

SECTION HISTORY

1981, c. 677, §1 (NEW). MRSA T. 12, §6587 (RP).

§6582. DEFINITIONS

(REPEALED)

SECTION HISTORY

1981, c. 677, §1 (NEW). MRSA T. 12, §6587 (RP).

§6583. MAINE GROUND FISH ASSOCIATION

(REPEALED)

SECTION HISTORY

1981, c. 677, §1 (NEW). 1983, c. 812, §86 (AMD). MRSA T. 12, §6587 (RP).

§6584. POWERS AND DUTIES OF THE ASSOCIATION

(REPEALED)

SECTION HISTORY

1981, c. 677, §1 (NEW). MRSA T. 12, §6587 (RP).

§6585. LIMITATION

(REPEALED)

SECTION HISTORY

1981, c. 677, §1 (NEW). MRSA T. 12, §6587 (RP).

§6586. BOARD OF DIRECTORS

(REPEALED)

SECTION HISTORY

1981, c. 677, §1 (NEW). MRSA T. 12, §6587 (RP).

§6587. REPEAL

(REPEALED)

SECTION HISTORY

1981, c. 677, §1 (NEW). MRSA T. 12, §6587 (RP).

Subchapter 4: GROUND FISH HATCHERY FUND**§6591. GROUND FISH HATCHERY FUND**

(REPEALED)

SECTION HISTORY

1993, c. 194, §1 (NEW). 1995, c. 396, §§1,2 (AMD). MRSA T. 12, §6594 (RP).

§6592. GROUND FISH HATCHERY STUDY COMMISSION

(REPEALED)

SECTION HISTORY

1993, c. 194, §1 (NEW). MRSA T. 12, §6594 (RP).

§6593. MEMBERSHIP

(REPEALED)

SECTION HISTORY

1993, c. 194, §1 (NEW). MRSA T. 12, §6594 (RP).

§6594. REPEAL

(REPEALED)

SECTION HISTORY

1993, c. 194, §1 (NEW). 1995, c. 396, §3 (AMD). MRSA T. 12, §6594 (RP).

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